

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED 2/3
04 MAY 24 PM 3:05

U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,

Plaintiff,

V.

ERIC ROBERT RUDOLPH,

Defendant.

Case No. CR-00-S-422-S

ENTERED

DENIED - DOC. 223
TO BE UNSEALED.

MAY 26 2004
2/3

U.S. MAGISTRATE JUDGE

DEFENDANT'S REQUEST TO SEAL SUBPOENAS

In ruling on the Government's Motion to Quash three subpoenas duces tecum, the Court directed that the three subpoenas and the briefs of the parties regarding the Motion to Quash be unsealed on Tuesday, May 25, 2004. *See* Doc. 223. However, the Court left open the question of whether the subpoenas should be sealed from the public.¹ Without waiving any objection previously made and with regard to the Order granting access, the defendant requests that the Court continue to seal the subpoenas from the public while permitting the "government" access to the subpoenas in much the same way and for similar reasons as the Court ordered release to the government of the *in camera* submission of the defense in connection with the laboratory related discovery motion. *See* Doc. 225 ("The Government may obtain from the Clerks a copy of the *in camera* submission . . . Otherwise the submission shall remain sealed pending further order.").²

¹ *See* Doc. 223, fn. 4 at page 6.

² The Court has previously ordered that documents received pursuant to defense *ex parte* applications be placed under seal when provided to the Court. *See* Order, 4/2/04 (granting defendant's request to file responses to subpoenas *ex parte* and under seal).